

## CHAPTER 3 COURT CALENDARS, CASE MANAGEMENT AND DELAY REDUCTION

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### RULE 3.03.1 NOTICE OF CASE ASSIGNMENT AND MANDATORY APPEARANCE – STANDARD TRACK CASES

A. At the time of filing of the initial Complaint, a “Notice of Case Assignment and Mandatory Appearance” will be provided by the Clerk which identifies the Courtroom and Judicial Officer to whom the case is assigned, and contains the date, time, and Courtroom for a combined initial Case Management Conference (CMC) and Order to Show Cause re Sanctions/Dismissal re Failure to File Proof of Service/Default (OSC). The combined CMC/OSC will be scheduled approximately five months after the initial filing date for the purpose of: (1) confirming compliance with and/or addressing issues (and possible sanctions) related to timeframes established by statute and California Rules of Court for service of the Complaint and entry of Default; (2) scheduling of Alternative Dispute Resolution proceedings and/or a Trial Date; and, (3) any other issues pursuant to California Rule of Court, rule 3.722.

B. A copy of the Notice of Case Assignment and Mandatory Appearance shall be served by the filing party on all named Defendants/Respondents with the Complaint or Petition, and with any Cross-Complaint or Complaint in Intervention that names a new party to the underlying action. Appearance at the CMC by Attorneys and self-represented Parties, in person or by telephone (see Local Rule 7.00 et seq.), is mandatory.

(Effective January 1, 2013)

## CHAPTER 4 COURT PLEADINGS, FORMS AND DOCUMENT FORMAT

### RULE 4.04 FACSIMILE FILING

A. The Superior Court of Ventura County hereby adopts Title 2, Division 3, Chapter 3, Rule 2.300 et seq., of the California Rules of Court, allowing for the facsimile filing of civil documents.

B. The court elects to allow the filing of documents by facsimile transmission directly with the courts through an automated facsimile filing system.

C. The court’s facsimile machine shall be available 24 hours a day, although filings received after 5 p.m. or on court holidays shall be deemed filed on the next court day.

D. Automated Fax Filing service must be activated by calling the telephone number listed on the court’s website~~1-800-322-4945~~. Filing attorney’s credit card number, expiration date and fax number of sending fax will be required. Confidentiality of the credit card number will be maintained.

E. The automated facsimile filing telephone is 1-800-530-3202~~available on the court’s website~~.  
(Revised effective January~~uly~~ 1, 20132)

## RULE 4.05 ELECTRONIC FILING

This rule applies to civil, small claims, family law and probate. Notwithstanding any other provision of law or these rules, no will, codicil, testamentary trust, bond or undertaking shall be electronically filed.

A. Electronic filings are permitted and shall conform to the provisions of CCP 1010.6 and CRC 2.250.

B. The court elects to allow filing of documents electronically through a third party's web-based e-filing site approved by the court.

C. ~~Appendix IV lists the a~~Any approved sites are listed on the court's website. (Revised effective January 1, 2013~~07~~)

## RULE 8.12 PROCEDURAL RULES FOR CIVIL TRIALS

A. **LENGTH OF TRIAL.** A realistic and practical period for trial and argument will be determined after consultation with counsel, based upon the circumstances of each case.

B. **TRIAL BRIEFS.** Trial briefs shall ~~be brief, and~~ not exceed ten pages. Opposing counsel who have not already done so shall exchange trial briefs at or immediately after announcing ready at the trial call. Unless otherwise ordered by the judge at trial call, trial briefs ~~and~~ are to be filed with the judicial assistant in the assigned trial department at the initial on the first day of trial. ~~call (the date the parties answer ready for trial).~~

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N. **IN LIMINE MOTIONS.** ~~All~~ In Limine Motions ~~shall be in writing, and~~ shall be limited to those reasonably necessary to resolve material evidentiary issues and shall conform to the principles announced in Kelly v. New West Federal Savings (1996) 49 Cal.App.4th 659. Motions and oppositions, if any, shall be in writing not

to exceed three (3) pages each, including points and authorities. Each motion shall be accompanied by a proposed order. Opposing counsel who have not already done so shall exchange motions at or immediately after announcing ready at the trial call. Unless otherwise ordered by the judge at trial call, motions and oppositions are to be filed with the clerk in the assigned trial department on the first day of trial. Immediately after being notified by the court of the time and place for the start of trial in a trailing case, counsel who have not already done so shall meet and confer telephonically as to which In Limine motions are contested and shall promptly exchange any written oppositions to another party's motions. ~~personally served on the parties and filed with the judicial assistant in the assigned department at the initial trial call (the date the parties answer ready for trial).~~ A motion shall not exceed two (2) pages, including authority, and shall be accompanied by a proposed order.

## P. PROCEDURES REGARDING COURT REPORTERS.

1. Side bench conferences with the reporter are not favored. Such conferences consume undue amounts of time and interrupt the continuity of the trial. The record is available for proceedings outside the presence of the jury during recess.
2. "On and off" the record -- the reporter will respond only to instructions of the court relative to going "on and off" the record.
3. Maintain a record of the question and

answer that ends each session or inquire of the reporter before the succeeding session.

~~4. Forty-eight (48) hour notice is required if a daily transcript is requested.~~

(Revised effective January 1, 20~~13~~**17**)

## **C.CHAPTER 9 FAMILY LAW RULES GENERAL RULES**

### **RULE 9.03.1 FAMILY LAW CASE FLOW FAMILY CENTERED CASE RESOLUTION**

**A.** All dissolution, legal separation, nullity and parentage cases shall be set for a status conference no later than 180 days from the date of filing of the Petition. Additional status conferences will be set every 180 days or less, as determined by the court, until the case reaches final disposition. If, after 18 months, both parties have failed to participate in the case resolution process as determined by the court, no further hearings will be set except at the discretion of the court until such time as the case qualifies for dismissal pursuant to Code of Civil Procedure §583.210 or §583.310.

#### **PURPOSE OF RULE.**

~~—The Court is implementing case review procedures and the designation of Case Plans in order to promote the prompt disposition of family law actions, to expedite the processing of the case and to reduce the stress and cost of family law litigation by offering Case Review Conferences, early resolution of issues and opportunities to settle. The purpose of the Case Plans is to ensure that judicial resources are used strategically and that those cases which need judicial attention are given that opportunity. The Court recognizes that some cases are more complex than others; accordingly, the~~

~~Court will take this into consideration at the time of the Case Review Conferences.~~

**B.** The goal of the Family Centered Case Resolution process is to finalize dispositions as set forth in California Rules of Court, rule 5.83.

#### **CASE PLAN OVERVIEW**

~~—The Court has adopted four Case Plans. Each Case Plan has its own specific events and time standards, as well as processing procedures. The following is an overview of each of the Case Plans;~~

##### **1. Standard Case Plan A: Disposition within 6 months.**

~~—All cases are designated as Case Plan A upon filing. Cases in which one or both parties are self-represented with generally remain on this plan and may be assisted by the Family Law Facilitator's Office. These are cases with little or no property or have a few disputed issues.~~

##### **2. Standard Case Plan B: Disposition within 12 months.**

~~—Represented parties will usually be on this plan. These cases have some disputed issues and require limited discovery. To be assigned to Case Plan B, a party must submit a Case Plan Designation Form (VN216). If a Response (FL-120) or (FL-220) is filed, parties on this Plan must also file a Joint Mandatory Settlement Conference Statement (VN219) which requires the parties to meet and confer and identify the issues in dispute.~~

##### **3. Complex Case Plan C: Disposition according to Judicial Order.**

~~These cases involve extensive discovery and/or involve expert testimony. In order to be assigned to this Case Plan: 1) six months must have elapsed since filing the Petition; 2) a Response (FL-120) or (FL-220) has been filed; 3) both parties have filed the Declaration re Service of Preliminary Declaration of Disclosure (FL-141) (Dissolution and Legal Separation only); 4) the parties have filed a Case Plan Designation Form (VN216); 5) the parties have filed a proposed Case Progression Plan and Order (VN218); and 6) the parties~~

have received judicial approval for the proposed Case Progression Plan and Order (VN218). After being assigned to Case Plan C, the parties must file documents in accordance with the Complex Case Plan C Case Progression Order.

~~4. Alternative Dispute Resolution Case Plan D: Disposition in 12 months.~~ This plan is for cases in which the parties have agreed to use a form of Alternative Dispute Resolution (ADR) to resolve their case, including but not limited to mediation or Collaborative Family Law. To be placed on this plan, parties need to complete the ADR Agreement (VN217) and a Case Plan Designation Form (VN216). Parties are required to file a joint Family Law Reports (VN126) to remain on this Plan.

C. Cases involving self-represented litigants shall be referred to the Family Law Facilitator to assist in complying with the case resolution process. Written material as required by California, Rule of Court, rule 5.83(g) shall be provided by the Clerk upon filing of first papers in dissolution, legal separation, nullity, or parentage actions. ~~CASE FLOW STANDARDS.~~

~~1. Case Review Conference.~~ Each Case Plan has scheduled Case Review Conferences. Attendance at calendared Case Review Conferences will generally not be required as long as a party or parties file documents requested by the Court. The Court will notify parties if attendance is mandatory. The Court may set further Case Review Conferences for any stage of the proceedings, set other hearings as appropriate or refer self-represented litigants to the Family Law Facilitator's Office.

~~2. Proof of Service.~~ In all cases, regardless of the designated Case Plan, if initial pleadings are not served within 60 days from the date of filing and the proof of service is filed, attendance at a Case Review Conference is mandatory.

~~3. Declaration regarding Service of Preliminary Declarations of~~

~~Disclosure (FL-141).~~ Parties on a Case Plan A must file the Declaration Regarding Service of Preliminary Declaration of Disclosure (FL-141) before the second calendared Case review Conference. (See Chart "Case Plan A" in section E below. ~~CASE PLAN DISPOSITION TIME STANDARDS AND COURT EVENTS~~). Parties on Case Plan B must file the Declaration Regarding Service of Preliminary Declaration of Disclosure (FL-141) before the Mandatory Settlement Conference. (See Charts "Case Plan B" in section E below, ~~CASE PLAN DISPOSITION TIME STANDARD AND COURT EVENTS~~).

~~4. Income and Expense Declaration (FL-150) or Financial Statement Simplified (FL-155).~~ Parties on Case Plan A, who request support, fees or costs, must serve and file the Income and Expense Declaration (FL-150) or Financial Statement Simplified (FL-155) before the second calendared Case Review Conference. (See Chart "Case Plan A" in section E below. ~~CASE PLAN DISPOSITION TIME STANDARDS AND COURT EVENTS~~). Parties on Case Plan B must file the Income and Expense Declaration (FL-150) or Financial Statement Simplified (FL-155) before the Mandatory Settlement Conference. (See Chart "Case Plan B" in section E below, ~~CASE PLAN DISPOSITION TIME STANDARDS AND COURT EVENTS~~).

~~5. Case Plan Designation Form (VN216).~~ The form can be filed at any time the minimum requirements for the requested Case Plan have been met. This form can be filed with the initial pleadings when requesting Case Plan B or Case Plan D designation. Six months must have elapsed since filing the initial pleadings in order to request Case Plan C.

~~6. Joint Mandatory Settlement Conference Statement (VN219):~~ This form must be filed with the Court prior to the Mandatory Settlement Conference. Before filing this form, the parties must

~~meet and confer in person or by telephone regarding the case. The Petitioner is responsible for coordinating timely completion and filing of the form. If the parties file the Statement separately, each party must attach a declaration explaining why the Statement is not filed jointly.~~

~~**7. Case Progression Plan and Order (VN218):** This form is used to propose a case progression plan for a Complex Case Plan C case. This form can only be submitted after six months has elapsed since filing the Petition, a Response (FL 120) or (FL 220) has been filed and both parties file or have filed the Declaration regarding the Preliminary Declaration of Disclosure (FL 141).~~

#### ~~**D. CHANGE OF CASE PLAN DESIGNATION**~~

~~Upon filing, all family Law Matters will be designated as Case Plan A. A Party may file a Case Plan Designation Form (VN216) requesting to be moved to a different Case Plan. The following requirements must be met before a case will be moved to a different Case Plan:~~

~~**1. Case Plan A:** All cases are designated Case Plan A at filing.~~

~~**2. To receive Case Plan B designation:**~~

~~**a. File a Case Plan Designation Form (VN216)**~~

~~**3. To receive Case Plan C designation;**~~

~~**a. Six months must have elapsed since filing of the Petition.**~~

~~**b. A Response (FL 120) or (FL 220) must have been filed.**~~

~~**c. Parties file, or have filed a Declaration re Preliminary Declaration of Disclosure (FL 141). (Dissolution or Legal Separation only)**~~

~~**d. File a Case Plan Designation Form (VN216).**~~

~~**e. Submit a proposed Case Progression Plan and Order (VN218).**~~

~~**f. Receive judicially approved Case Progression Plan Order.**~~

~~**4. To receive Case Plan D designation:**~~

~~**a. File a Case Plan Designation Form (VN216)**~~

~~**b. File ADR Agreement (VN217) form.**~~

**~~E. CASE PLAN DISPOSITION TIME STANDARDS AN COURT EVENTS~~**

**~~1. Case Plan A.~~** The following events will be calendared by the Court:

<del>From Filing Date</del>	<del>Court Event</del>	<del>Documents to be Filed by Parties Prior to Court Event</del>
<del>Approximately 60 days</del>	<del>Case Review Conference regarding the Filing of the Proof of Service. No appearance is necessary if the Proof of Service is filed before the conference.</del>	<del>Proof of Service of Summons</del>
<del>Approximately 120 days</del>	<del>Case Review Conference regarding filing the Declaration re Preliminary Declaration of Disclosure (FL 141), and Default (FL 165) or Response (FL 120) or (FL 220). No appearance is necessary if: — <b>a.</b> the Request to Enter Default (FL 165), or Response (FL 120) or (FL 220) is filed and — <b>b.</b> Parties file the Declaration re Preliminary Declaration of Disclosure (FL 141) (Dissolution or Legal Separation only). Only the non-complying party must appear; or — <b>c.</b> Income and Expense Declaration (FL 150) or Financial Statement Simplified (FL 155), if support, fees or costs are requested, or — <b>d.</b> Judgment forms are filed.</del>	<del>Declaration re Preliminary Declaration of Disclosure (FL 141) (Dissolution or Legal Separation only), and  Income and Expense Declaration (FL 150) or Financial Statement Simplified (FL 155), if support, fees or costs are requested, and  Request to enter Default (FL 165), or  Response (FL 120) or (FL 220)</del>
<del>Approximately 150 days</del>	<del>Mandatory Settlement Conference if Response (FL 120) or (FL 220) is filed.</del>	<del>Joint Mandatory Settlement Conference Statement (VN219 and  Income and Expense Declaration (FL 150) or Financial Statement Simplified (FL 155), if significant change from previous filing.</del>

Approximately 150 to 180 days	Trial if needed	
Approximately 180 days	<del>Case Review Conference Regarding Filing the Judgment</del>	<del>Documents listed in Rule 9.19 B-1 and B-2.</del>

**2. Case Plan B.** ~~The following events will be calendared by the Court~~

<b>From Filing Date</b>	<b>Court Event</b>	<b>Documents to be Filed by Parties Prior to Court Event</b>
Approximately 60 days	<del>Case Review Conference regarding the Filing of the Proof of Service. No appearance is necessary if the Proof of Service is filed before the conference</del>	<del>Proof of Service of Summons</del>
Approximately 180 days	<del>Case Review Conference regarding status and the filing the Default (FL-165), Response (FL-120) or (FL-220), No appearance is necessary if the following are filed*:</del> <del>— a. Request to Enter Default (FL-165), or Response (FL-120) or (FL-220), and</del> <del>— b. Family Law Status Report (VN126), or</del> <del>— c. Judgment forms filed</del> <del>* If compelling circumstances exist and a Default or Response cannot be filed, a Family Law Status Report only may be filed, with an attached declaration detailing the circumstances.</del>	<del>Request to Enter Default (FL-165) or</del> <del>Response (FL-120) or (FL-220), and</del> <del>Family Law Status Report (VN126)</del>
Approximately 15 days Prior to the Mandatory Settlement conference	<del>File Document Review (Internal Court Process) if Response (FL-120) or (FL-220) is filed. The following must be filed fifteen (15) days prior to the Mandatory Settlement Conference:</del> <del>— a. Declaration re Preliminary Declaration of Disclosure (FL-141) (Dissolution/Legal Separation Only) and</del>	<del>Declaration re Preliminary Declaration of Disclosure (FL-141) (Dissolution or Legal Separation only) and</del> <del>Income and Expense Declaration (FL-150) or Financial Statement</del>

	<del>—b. Joint Mandatory Settlement Conference Statement with Property Attachments (VN219), and</del> <del>—c. Income and Expense Declaration (FL 150) or Financial Statement Simplified (FL 155), if support, fees or costs are requested, and</del> <del>—d. Witness List.</del>	<del>Simplified (FL 150) or Financial Statement Simplified (FL 155), if support, fees or costs are requested, and</del>  <del>Joint Mandatory Settlement Conference Statement with Property Attachments (VN219).</del>
Approximately 240 to 300 Days	<del>Mandatory Settlement Conference if Response (FL 120) or (FL 220) is filed</del>	
Approximately 200 to 360 Days	<del>Trial if needed</del>	
Approximately 240 to 360 Days	<del>Case Review Conference Regarding Filing the Judgment</del>	<del>Documents listed in Rule 9.19 B 1 and B 2</del>

**~~3. Case Plan C.~~** The following events will be calendared by the Court pursuant to the Plan C Case Progression Order

<b><del>From Filing Date</del></b>	<b><del>Court Event</del></b>	<b><del>Documents to be Filed by Parties Prior to Court Event</del></b>
<del>Approximately 60 days</del>	<del>Case Review Conference regarding the Filing of the Proof of Service. No appearance is necessary if the Proof of Service is filed before the conference.</del>	<del>Proof of Service of Summons</del>
<del>Approximately 180 days</del>	<del>Case Review Conference regarding status and the filing the Default (FL 165) or Response (FL 120) or (FL 220). No appearance is necessary if the following are filed: a. Plan Designation Form requesting Plan C, and b. Case Progression Plan and Order (VN218) and c. Family Law Status Report (VN126)</del>	<del>Response (FL 120) or (FL 220), and Plan Designation Form, and Case Progression Plan and Order (VN218)</del>
<del>Approximately 15 days prior to the Mandatory Settlement Conference</del>	<del>File Document Review; Documents must be filed in accordance with Case Plan Order.</del>	<del>Documents according to Case Plan Order</del>
<del>Approved By Judge</del>	<del>Mandatory Settlement Conference</del>	
<del>Approved By Judge</del>	<del>Trial if needed</del>	
<del>Approved By Judge</del>	<del>Case Review Conference Regarding Filing the Judgment</del>	<del>Documents listed in Rule 9.19 B-1 and B-2</del>

**~~4. Case Plan D:~~** The following events will be calendared by the Court:

<b><del>From Filing Date</del></b>	<b><del>Court Event</del></b>	<b><del>Documents to be Filed by Parties</del></b>
<del>Approximately 60 Days</del>	<del>Case Review Conference regarding the Filing of the Proof of Service. No appearance is necessary if the Proof of Service is filed before the conference.</del>	<del>Proof of Service of Summons</del>
<del>Before Entry Of Judgment</del>	<del>Designation as case Plan D</del>	<del>Case Plan Designation Form (VN216) ADR Agreement Form (VN212)</del>
<del>Approximately 180 Days</del>	<del>Case Review Conference regarding Status. No appearance is necessary if a joint Status Report (VN126) is filed.</del>	<del>Joint Family Law Case Status Report (VN126)</del>
<del>Approximately 360 Days</del>	<del>Case Review Conference Regarding Filing the Judgment</del>	<del>Documents listed in Rule 9.19 B-1 and B-2</del>

**DF. RESULTS OF FAILURE TO COMPLY WITH CASE FLOW RULES**

All family law cases will be reviewed for compliance with these rules, and orders to show cause may be issued for failure to comply. Failure of a party or parties to comply with these Family Law Rules, including failing to appear at a mandatory Court event or failing to file required forms, may result in one or more of the following on the request of the other party or on the Court's own motion;

1. Dismissal of the case.
2. An award of attorney's fees and costs against the non-complying party, the party's attorneys, or both.
3. An order based solely upon the pleadings properly before the Court.
4. Such other orders as the Court deems appropriate.

**E.G REINSTATEMENT OF DISMISSED CASES.**

A party to a case dismissed under these rules for failure to appear at a required Court event or failure to file required Court documents may apply within 6 months to have their case reinstated under Code of Civil Procedure § 473(b). The Court may reinstate the case upon such terms and conditions as the Court deems just.

## **H. RECONCILIATION**

~~—Parties who indicate to the Court that they are attempting reconciliation will be relieved of the Case Plan Disposition Time Standards. If, however, a dismissal or Judgment is not filed within 12 months of filing the Petition, the Court will set the case for a Case Review Conference.~~  
(Revised effective January 1, 201309)

## **FAMILY LAW RULES LAW AND MOTION**

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### **RULE 9.05 DATES AND TIMES FOR HEARINGS**

An ex parte hearing is required for all ex parte applications unless excused under rule 9.06B. Specific dates and times for ex parte hearings may be obtained by telephonic request to the ~~Family Law Case Coordinator or the~~ Judicial Secretary of the appropriate courtroom. Ex Parte matters may also be handled as a “walk-through” without a set time arranged in advance, with appropriate notice as set forth in Rule 9.06.A. However, in domestic violence cases, the court, upon a showing of good cause, may grant leave for an earlier hearing. For all matters on which a hearing is not required, the application shall be submitted to the Judicial Assistant/Courtroom Clerk.

(Revised effective January 1, 201308)

### **RULE 9.09 SPECIFIC EX PARTE ORDERS**

#### **A. TEMPORARY RESTRAINING ORDERS ("TRO'S") - DOMESTIC VIOLENCE**

When seeking TRO'S, the current forms adopted by the Judicial Council shall be used. These forms are the specialized Domestic Violence Forms including DV-100, DV-110 and other applicable Domestic Violence forms.

#### **B. EX PARTE RESIDENCE EXCLUSION ORDERS - DOMESTIC VIOLENCE**

Ex Parte Residence Exclusion Orders will not be issued unless there is a clear showing of assault against or threats to assault the party seeking protection, a person under the control of the party seeking protection, or of a minor child of the parties or party, and that physical or emotional harm would otherwise result. This showing shall include a full description, in detail, of the most recent instance(s) of actual assault or threats to assault, disposition toward violence, intoxication or use of drugs or other such facts, and shall specify the date of each occurrence. The parties are referred to Family Code section 6321 for other requirements.

#### **C. STAY AWAY ORDERS - DOMESTIC VIOLENCE**

Requests for orders requiring a party to stay away from the other party's residence, place of business, or child's school, shall indicate whether the party to be restrained is residing in the residence or has moved and the date he or she moved, and whether the order requested would be problematic due to the fact that both parties work at the same place or have good cause to go to the child's school.

## **D. CUSTODY/VISITATION ORDERS**

A party requesting an order establishing or modifying custody or visitation shall, by declarations, establish the following: (1) the provisions of any existing order; (2) the actual current custody arrangement; (3) the requested relief; (4) the immediate harm or irreparable injury; and (5) the status of any referral to Child Protective Services or law enforcement.

### **E. CIVIL HARASSMENT RESTRAINING ORDERS**

When seeking civil harassment TRO's, the current forms adopted by the Judicial Council shall be used. These forms include CH-100, Request for Orders to Stop Harassment (Civil Harassment) and CH-120, Notice of Hearing and Temporary Restraining Order (CLETS) (Civil Harassment). A declaration in support of the TRO shall be included setting forth with specificity, the harassing conduct including dates, specific acts and words and any injuries suffered by the plaintiff.

(Revised effective July 1, 20~~13~~<sup>09</sup>)

## **FAMILY LAW MOTIONS AND ORDERS TO SHOW CAUSE**

### **RULE 9.10 CALENDARING**

#### **RULE 9.10.1 REQUEST FOR ORDERS**

**All rules which apply to Orders to Show Cause (“OSC”) and Notice of Motions (“NOM”) shall also apply to Request for Orders (“RFO”).**

**(Effective January 1, 2013)**

### **RULE 9.12 HEARINGS**

#### **A. DAILY CALENDAR**

Check-In. Courtrooms shall open their doors prior to scheduled calendar call for “check-in” with the court clerk. At that time, counsel shall inform the clerk if a conference with the court is desirable or if priority is requested.

#### **B. MANDATORY SETTLEMENT ATTEMPT**

Prior to the scheduled hearing, counsel shall make good faith efforts to resolve the issues pending before the court, to exchange all information required by these rules, and to delineate those issues remaining to be presented to the court at the time of the hearing.

#### **C. TIME LIMITATIONS**

The law and motion calendar is designed for hearings estimated to take no longer than 30 minutes. If it is anticipated that a longer hearing will be required, participants shall so advise the court at the law and motion hearing.

#### **D. PRESENTATION OF EVIDENCE**

**1. Limitations on Oral Testimony.** In granting or denying applications for orders, it is the court’s policy whenever possible to determine contested issues based solely on

the pleadings, admissible evidence contained in declarations timely filed with the court, and arguments based thereon. All declarations shall be received in evidence at the hearing, subject to legal objections and cross-examination.

2. The court shall follow Family Code § 217 and California Rules of Court, rule 5.119 when deciding to receive or refuse live testimony at hearings on any order to show cause, notice of motion or request for orders.

#### **E. STIPULATED CONTINUANCES OF HEARINGS**

1. If the parties stipulate to a continuance of a hearing, the parties shall immediately advise ~~the Family Law Case Coordinator~~ or the secretary of the assigned family law judge by submitting a Request for Continuance (local form VN 230), signed by both attorneys/pro per litigants, via facsimile transmission or walk-through. The Request for Continuance must be submitted to the court at least two (2) court days before the hearing. The judicial assistant's minute order memorializing the continuance will serve as the written record of said continuance. The fee required under Government Code section 706747(c)(4) shall be paid within ten days of submission of the Request for Continuance. If the court date is being continued for less than ten (10) days, the fee must be paid prior to the new court date.

2. After one (1) continuance, as set forth in Local Rule 9.12.E.1 above, any further continuance of the hearing will require a showing of good cause by declaration for the continuance, and an order of the court.

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(Revised effective ~~January~~uly 1, 201309)

### **RULE 9.19 FAMILY LAW TRIALS**

#### **A. MANDATORY SETTLEMENT CONFERENCES.**

1. A Mandatory Settlement Conference (MSC) will be calendared by the court ~~pursuant to the case's assigned Case Plan or Case Progression Plan Order~~for all contested cases at the case status conference. The MSC shall also serve as a trial setting conference. A party ~~however~~ may file a "Request for Mandatory Settlement Conference/Trial Setting" (VN086) to request an earlier date for the ~~Mandatory Settlement Conference~~MSC. A counter request may be filed within ten (10) days after service. The ~~Mandatory Settlement Conference~~MSC will then be set no earlier than the later date requested on either the Request or Counter Request.

2. ~~Prior to the MSC, all parties~~File Document Review. All Cases will be reviewed prior to the Mandatory Settlement Conference by the Family Law Case Coordinating Attorney to determine if the parties have complied with all filing deadlines contained in this section. If

~~a party has not met the requirements of this section, the Mandatory Settlement Conference may be continued and an Order to Show Cause for sanctions of the non-complying party may be set by the court.~~

~~3. All contested cases shall be set for Mandatory Settlement Conference which shall also serve as a trial setting conference.~~

~~a. Case Plan A: Parties on Case Plan A~~

must complete and file the following fifteen (15) court days before the Mandatory Settlement Conference:

a. Declaration re Preliminary Declaration of Disclosure (FL-141) (Dissolution or Legal Separation only)

b.2. Current Income and Expense documents (FL-150) or Financial Statement Simplified (FL-155), if support, fees, or costs are requested.

c.3. Joint Mandatory Settlement Conference Statement (VN219) with:

1.a. Property Attachments: A Property Declaration (FL-160), a Propertizer™ or other equivalent spreadsheet must be attached to the Joint Mandatory Settlement Conference Statement. If the parties are unable to agree on the contents of the attachments, each party may complete and attach the required document.

2.b. Disputed Issues: each party must attach a concise statement of legal and factual positions on all disputed issues.

3. Proposed Witnesses: The parties must exchange and file a brief statement identifying all witnesses to be called in their case in chief, what each witness will testify to and a time estimate of the direct examination of each witness. This statement is separate from any witness list required for trial.

d. e. The pParties must file the Joint Mandatory Settlement Conference Statement jointly unless there is a protective order in place. If the parties file the Statement separately, each party must attach a declaration explaining why the Statement is not filed jointly, or indicate that a protective order is in place. The Petitioner is responsible for coordinating timely completion and filing of the form. If petitioner fails to act in a timely manner, Respondent may do so.

~~b. Case Plan B: Parties on Case Plan B must complete and file the following fifteen (15) court days before the Mandatory Settlement~~

**Conference:**

~~1. Declaration re Preliminary Declaration of Disclosure (FL-141) (Dissolution or Legal Separation only)~~

~~2. Current Income and Expense documents (FL-150) or Financial Statement Simplified (FL-155), if support, fees, or costs are requested.~~

~~3. Joint Mandatory Settlement Conference Statement (VN219)~~

~~a) Property Attachments. A Property Declaration (FL-160), a Propertizer<sup>TM</sup> or other equivalent spreadsheet must be attached to the Joint Mandatory Settlement Conference Statement. If the parties are unable to agree on the contents of the attachments, each party may complete and attach the required document.~~

~~b) Disputed Issues. Each party must attach a concise statement of legal and factual positions on all disputed issues.~~

~~c) Parties must file the Joint Mandatory Settlement Conference Statement jointly unless there is a protective Order in place. If the parties file the Statement separately, each party must attach a declaration explaining why the Statement is not filed jointly, or indicate that a protective order is in place.~~

~~**4. Witness List.** The parties must exchange and file their witness lists that identify all witnesses to be called in their case in chief. The list should include a brief statement of what the witness will testify to and a time estimate of the direct examination of that witness.~~

~~e. Case Plan C. Parties on Case Plan C will file documents in accordance with the Complex Case Plan C Case Progression Order.~~

~~4. All counsel and litigants shall appear at the designated time and courtroom and shall be fully prepared to enter into meaningful settlement discussions. If a party who is represented by counsel is unable to personally appear for a Mandatory Settlement Conference, counsel may make an ex parte application for permission to have the party available by telephone rather than in person. Parties shall update any forms in which there have been changes since filing. Failure to appear at the~~

~~conference or failure to participate in good faith may result in sanctions to the court and/ or the other party.~~

~~35. Counsel Parties~~ shall immediately notify the court of settlement prior to the scheduled conference.

~~46. If the parties stipulate to a continuance of a Mandatory Settlement Conference, the parties shall immediately advise the Family Law Case Coordinator or the~~ secretary of the assigned family law judge by submitting a Request for Continuance (local form VN230), signed by both attorneys/pro per litigants, via facsimile transmission or walkthrough. The Request for Continuance must be submitted to the court at least two (2) court days before the hearing. The judicial assistant's minute order memorializing the continuance will serve as the written record of said continuance. The fee required under Government Code section 70617(c)(1) shall be paid within ten (10) days of submission of the Request for Continuance.

~~57. After one (1) continuance, as set forth in Local Rule 9.19.B.6 above, any further continuance of the Mandatory Settlement Conference will require a showing of good cause by declaration for the continuance, and an order of the court.~~

~~68. If the Mandatory Settlement Conference does not resolve all issues, the Court will only set the matter for trial upon a showing that the case is ready for trial.~~

## **~~BC.~~ UNCONTESTED OR DEFAULT TRIALS.**

### **1. Setting for Default prove-up hearing.**

Default matters may be set for prove-up hearing by submitting a Request to Enter Default (FL-165) to the clerk at the Family Law filing window and requesting a Default Hearing.

### **2. Documents required for Default**

**Hearings:** The following documents must be filed before or concurrently with the Request to Enter Default (FL-165).

**a.** If child support, spousal support, partner support, costs or attorney fees are requested, a fully completed Income and Expense Declaration (FL-150) or Financial Statement, Simplified (FL-155) is required. If an order for division of property of

debts is requested, a Property Declaration (FL-160) is required.

**b.** Proof of service of Summons.

**c.** Declaration re: Service of Preliminary Declaration of Disclosure (FL-141) (not applicable to Uniform Parentage Actions).

**d.** Declaration re: Service of Final Declaration of Disclosure (FL-141) or waiver of this requirement as provided in subdivision (d) of section 2105 or in section 2100 of the Family Code (not applicable in Uniform Parentage Actions). Local form VN-131 may be used to satisfy the waiver requirement.

**3. Proposed Judgment.** On reporting to the courtroom to which a default matter has been assigned, counsel or parties representing themselves shall provide the original of the proposed judgment, including any marital settlement agreement, to the judicial assistant in the courtroom. The judgment shall be completed in full, with the exception of any child, spousal or partner support, or attorney fees, which may be addressed by the court at the hearing.

**4.** Uncontested or Default matters without hearing may be processed through the clerk at the Family Law filing window.

**5.** The following documents are required for default matters without hearing:

**a.** All of the documents listed in B-1 above.

**b.** A Declaration for Default or Uncontested Dissolution/Legal Separation (FL-170) or Declaration for Default or Uncontested Judgment (FL-230) for Uniform Parentage Actions.

**c.** Judgment (FL-180) or (FL-250 Uniform Parentage Action) with either a Settlement Agreement signed by both parties with the Respondent's signature notarized or the appropriate Judicial Council forms attached.

**d.** Notice of Entry of Judgment (FL-190) with stamped envelopes addressed to the parties or their attorney of record.

**6. The following documents are required for Uncontested matters:**

**a.** Declaration re: Service of Preliminary Declaration of Disclosure (FL-141) filed by each party (not applicable to Uniform Parentage

Actions).

|      **b.** Declaration re: Service of Final Declaration of Disclosure (FL-141) from each party or waiver of this requirement executed by both parties as provided in subdivision (d) of section 2105 of the Family Code (not applicable to Uniform Parentage Actions).

|      **c.** A separate written declaration executed by both parties that the matter may be treated on an uncontested basis or an Appearance, Stipulations & Waivers (FL-130).

|      **d.** A Declaration for Default or Uncontested Dissolution/Legal Separation (FL-170) or Declaration for Default or Uncontested Judgment (FL-230) for Uniform Parentage Actions.

|      **e.** Judgment (FL-180) with a Marital Settlement Agreement or Stipulated Judgment signed by both parties attached or Judgment (FL-250) with Agreement or Stipulations attached for Uniform Parentage Actions.

|      **f.** Notice of Entry of Judgment (FL-190) with stamped envelopes addressed to the parties or their attorney of record.

|      **7.** If any party is receiving public assistance, that information shall be disclosed on the Declaration for Default or Uncontested Dissolution/Legal Separation (FL-170) or Declaration for Default or Uncontested Judgment (FL-230) and the local child support agency shall sign the proposed Judgment.

## | **CD. CONTESTED TRIALS**

**1. Purpose of Rules; Duties of Counsel.** The purpose of these rules is to insure that contested domestic relations matters are thoroughly prepared and expeditiously tried, and to avoid using the trial itself as a vehicle for what should be pretrial deposition, discovery and settlement procedures. Counsel shall resolve as many issues by stipulation as possible.

**2. Relief from Rules.** Relief from the operation of these rules relating to contested trials may be had in appropriate cases, but only on motion and for good cause shown.

**3. Trial Briefs.** Trial briefs may be submitted to the court and opposing counsel at the time of

trial. Trial Briefs shall specify each party's legal and factual contentions as to each contested issue. The court encourages counsel to file and serve the trial briefs five days in advance of the trial date to allow the court adequate time to review them.

**4. Income and Expense Declaration.** The updated Income and Expense Declaration for trial purposes shall have attached documents showing both the balance of each obligation at the date of separation and the date closest available to trial. Such documents shall have been filed and served at least seven (7) days prior to trial. Service by mail under this rule does not require the addition of five days for mailing.

**5. Final Declaration of Disclosure Pursuant to Family Code 2105.** Final Declarations of Disclosure shall be served no later than 45 days before the first assigned trial date unless mutually waived by the parties. Declarations Regarding Service of the Final Declaration of Disclosure shall be filed no less than seven (7) days before the assigned trial date.

~~**6. Request for Court Reporter.** It is recommended that a request for a court reporter be made at least two (2) court days prior to the scheduled trial to the Judicial Assistant/Courtroom Clerk, in order to insure availability.~~

~~**—7. Completion of Discovery.** Unless otherwise ordered by the Court for good cause, all discovery must be completed, as set out by Code of Civil Procedure section 2024.010 et. seq. Discovery requests must be served early enough that responses will be due and depositions will have been taken by the cutoff date. Discovery requests that do not comply with these rules will not be enforced.~~

**8. Motion or application for continuance of trial.**

**a. Trial dates are firm.** To ensure the prompt disposition of family law cases, the dates assigned for trial are firm. All parties and their counsel must regard the date set for trial as certain.

**b. Motion or Application.** A party seeking a continuance of the date set for trial, whether contested or uncontested or stipulated to by the parties, must make the request for a continuance by a noticed motion or an ex parte application with

supporting declarations. No appearances are required for an ex parte application supported by a stipulation and supporting declarations, unless otherwise ordered by the court. The party must make the motion or application as soon as practical once the necessity for the continuance is discovered.

**c. Grounds for Continuance.**

(1) A request for continuance made at least 30 days before the trial date, may be granted only on an affirmative showing of good cause requiring the continuance.

(2) A request for a continuance made less than 30 days before the trial, will not be granted except under extraordinary circumstance where there is no alternative means of preventing a substantial injustice to the parties.

**d. Change of Trial Date on Court's**

**Motion.** The court on its own initiative may, if necessary, change the trial date.

(Revised effective ~~January~~ July 1, 201~~3~~2)

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**FAMILY LAW  
MEDIATION/CHILD CUSTODY RECOMMENDING COUNSELING**

.....  
**RULE 9.33 CCRC PROCESS**

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D. CCRC sessions are customarily conducted with only the parties and the children. The RC will interview children involved in the controversy when the RC considers the interview appropriate ~~and~~ or necessary. The RC has the discretion to interview or include other immediate or significant family members if the RC believes that it will be helpful to resolution. The RC shall not contact any other source, except as permitted by California Rules of Court, rule 5.215 or to investigate concerns relating to child abuse or neglect under Penal Code section 11164 et seq., unless both

parties and counsel, if represented, give written consent to the contact, or by order of the Court. It is the responsibility of each party to arrange for proposed collateral contacts to be available by telephone during the CCRC appointment.

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(Revised effective January 1, 2013)

## **RULE 10.01 GUARDIANSHIP**

### **A. GUARDIANSHIP PROCEDURES**

#### **1. INVESTIGATION**

It is the policy of Ventura County to require investigation, pursuant to Probate Code section 1513, of all petitioners for guardianship except upon judicial finding that good cause exists to waive the investigation.

A copy of all filed documents shall be provided for the court investigator by presenting an extra copy of the filed documents to the probate clerk at the time of the filing of the petition.

The Investigation report regarding petition for guardianship of the person of a minor required under Probate Code section 1513, for proposed guardians who are relatives of the minor, shall be prepared by Family Court Services and for a nonrelative shall be prepared by the Ventura County Human Services Agency. The clerk of the court shall provide notice of the petition to the appropriate investigator upon the filing of all necessary documents. The completed reports shall include and discuss the information required under Probate Code section 1513(a).

Upon filing of a petition to terminate the guardianship of a minor, the clerk shall set the matter for hearing. At the hearing, the court may grant or deny the petition or may refer the matter to the appropriate investigator for a report and recommendation regarding the termination of the guardianship and continue the hearing to a date when the report will be completed. When the guardian is a relative the matter will be referred to the Family Court Services for a report. When the guardian is a non-relative the matter will be referred

to the Human Services Agency for report.

## **B. GUARDIANSHIP MEDIATION**

### **1. GENERAL**

The court may order the parties in any guardianship proceeding to participate in mediation with Family Court Services for the purpose of attempting to resolve any disputes, including custody of and visitation with the minor. Mediation shall be conducted in accordance with the laws, rules, standards, and procedures specified for Family Law custody and visitation issues, including, but not limited to, the provision of Family Code section 3160 et seq., California Rules of Court, rule 5.210 et seq., and Ventura County Superior Court Local Rules ~~95~~.30 et seq. If the parties are unable to reach agreement, the mediator shall submit a recommendation to the court and provide a copy to all parties who participated in the mediation.

### **C. REQUEST FOR EX PARTE HEARING FOR TEMPORARY GUARDIANSHIP OF A MINOR PERSON.**

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**3.** A petitioner must complete and submit the following forms to the clerk's office when requesting an ex parte~~y~~ hearing:

**5.** Ex parte hearings for temporary ~~g~~Guardianship are not favored. In most cases where there is an objection to the guardianship, the court will consider the ex parte request only if the minor has been living with the proposed guardian. If a person believes a child is at risk of harm and the child is not in that person's physical custody, then she or he should contact the hotline for reporting child abuse operated by the Children and Family Service division of the Ventura County Human Services Agency.

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(Revised effective ~~January~~~~y~~ 1, 201~~3~~~~4~~)

## **RULE 10.02 CONSERVATORSHIP**

## **A. PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR**

1. The petitioner is not required to submit an order appointing a court investigator pursuant to Probate Code section 1454. There is a general order appointing the Ventura County court investigator as the investigator for the court in all cases under Division 4 of the Probate Code requiring appointment of such investigator.

2. The Petition for Appointment of Conservator (Judicial Council form GC-310), page ~~sixfour~~, item 1 ~~10a~~, should include the telephone numbers of all relatives within the second degree of the proposed conservatee or other names listed.

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(Revised effective ~~January 1, 2013~~ ~~July 1, 2013~~)

## **CHAPTER 12 JUVENILE CALENDAR PROCEDURES**

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### **RULE 12.02 JUVENILE DEPENDENCY**

#### **N. EX PARTE APPLICATIONS/ORDERS**

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1. An ex parte application to calendar a hearing or to obtain a court order may be made by use of the form entitled *Calendaring Request and Notice; Supporting Declaration and Order* or by an equivalent document which shall be submitted to the clerk.

2. If the Calendaring Request is filed by a party to the case and it seeks a hearing within less than three days, the hearing shall not be set or calendared without court order. If the Calendaring request is filed by a party to the case and seeks a hearing three or more days after submission, no court order is needed. If a non-party files a Calendaring Request, it shall not be set for hearing without a court order.

3. Advance notice to all other parties of the purpose for seeking an ex parte hearing shall be given and proof of such notice shall be filed at the time the Calendaring Request is submitted to the clerk.

4. The Calendaring Request and Notice; Supporting Declaration and Order form is not a

substitute for ~~re~~ a Welfare & Institutions Code section 388 petition, a formal written motion, or supporting points and authorities.

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(Revised effective ~~January~~ July 1, 201~~3~~2)

## **CHAPTER 18 VERBATIM COURT REPORTING SERVICES**

### **RULE 18.00 COURT REPORTERS**

**A.** Official and pro tempore court reporters serving the court shall provide such service and receive such compensation ~~therefor~~, as provided by sections 68086 et seq. of the Government Code, and by other applicable statutes, California Rules of Court and rules of this court.

**B.** Court reporters shall constitute the Reporting Services section of the court's Administration division, in accordance with applicable statutes, under the general direction of the Court Executive Officer and Clerk. Official and pro tempore court reporters shall make such reports to the California Judicial Council (Administrative Office of the Courts) and to the Administration Division of this court, as provided by statutes and by rules of court, and as otherwise directed by the Court Executive Officer and Clerk.

**C.** Court reporting services must be provided in all Superior Court felony trials and hearings, and all proceedings under the Lanterman-Petris-Short Act and all juvenile calendars, except for cases filed under *Welfare and Institution* section 601. ~~Court Reporting services may also be provided at the request of the court or the parties for the following proceedings, subject to the availability of a court reporter: family law trials, family support proceedings, unlimited jurisdiction civil trials, civil law and motion, probate, and adoption. Reporting services are not available for the following proceedings: small claims cases, infraction criminal proceedings, misdemeanor criminal proceedings, limited jurisdiction civil trials, limited jurisdiction~~

civil appeals from Superior Court, misdemeanor appeals, and small claims trial de novos.

**D.** Any party in any type of civil case\* ~~must~~ file a statement before the trial date indicating whether the party requests the presence of an official court reporter. The deposit, in the amount of one (1) reporter's per diem fee as provided by the Ventura Superior Court Schedule of Fees Government Code section 69997, shall be made with the Executive Officer and Clerk by the party making the request. No reporter assignments will be considered if the deposit has not been made. During trial, it shall be the duty of the party requesting such service to pay to the Judicial Assistant daily, in advance, the per diem reporting fee prescribed by the statutes and by this rule, unless the court defers payment until conclusion of the trial, upon showing a good cause therefor. The court, on its own motion or on motion of any party, may order that the reporting fee be paid by all or any of the parties pro rata, and upon motion of any dissatisfied party, shall determine the portion of the fee to be paid by such parties. The Judicial Assistant shall have the duty to collect such per diem fees for deposit in the Court Reporting Services Trust Fund, for subsequent deposit to the state Trial Court Trust

**Fund.** Reporting services are not available for the following proceedings:

All unlimited jurisdiction Civil trials and law and motion except for settlements placed on the record, and hearings involving Asset Forfeiture, Harassment, Elder/Dependent Adult Abuse, Workplace Violence or Private Postsecondary School Violence. All Family Law matters, except settlements placed on the record, Orders to Show Cause or Requests for Orders, Restraining Orders, Ex Partes, and those hearings involving Domestic Violence, Contempt or the Department of Child Support Services. All matters set in Probate on Monday (all day), Tuesday (p.m.), Wednesday (p.m.), Thursday (p.m.) and Friday (all day). (Reporters will be scheduled for matters in Probate on Tuesday (a.m.), Wednesday (a.m.) and Thursday (a.m.), only). Notwithstanding the above, the court in its discretion may order any of the listed proceedings be reported by a court reporter from the Reporting Services section, if deemed appropriate.

In the proceedings listed above where the court will continue to provide a court reporter it is the parties' responsibility to pay the reporter's fee for attendance at the proceedings if required by law. The expense may be recoverable as part of the costs, as provided by law.

**E.** ~~If a matter in which reporter services have been requested is settled, the services of the reporter~~

~~waived, or the matter goes off calendar or is continued on motion of the party depositing the reporter fee, said deposit shall be forfeited unless the court is notified of such change not later than 12 noon on the court day immediately preceding the date for which the matter is calendared.~~ For those matters in subsection D in which the court does not provide a court reporter, the parties have the right to arrange at their own expense for the presence of an official court reporter to serve as an official pro tempore reporter for a hearing or trial. See Government Code §68086; California Rule of Court, rule 2.956(b)&(c) Parties may select from the Approved Official Reporter Pro Tempore List, which list is available on the court's website, or arrange for their own reporter by filing with the court form (VN243) "Agreement and Order Re Appointment of Official Reporter Pro Tempore." Parties must make arrangements for reporters in advance of the hearing to ensure the proceedings will be reported. It is the parties' responsibility to pay the reporter's fee for attendance at the proceedings, but the expense may be recoverable as part of the costs, as provided by law.

**F. If ~~reporting services have been requested as described in subsection D, and~~** it appears that a reporter will not be available, for a matter in which the court still provides a court reporter as described in subsection D, the Court Reporter's Office must notify the parties at least five (5) days prior to the proceeding, and the deposit of court reporter fees shall be refunded.

**~~G. When reporting services are not available for a civil case\*,~~** The parties may make arrangements for the presence of a ~~certified shorthand~~ court reporter to serve as an official pro tempore reporter pursuant to Rule 2.956 of the California Rules of Court and subsection D above. It is that party's responsibility to pay the reporter's fee for attendance at the proceedings, but the expense may be recoverable as part of the costs, as provided by law.

G. An official court reporter is not available but the following proceedings will be electronically recorded by the court to make the official verbatim record of proceedings as provided by Government Code section 69957 and California Rule of Court, rules, 2.952 and 2.956(e), unless otherwise ordered by the court: Small Claims cases, Infraction Criminal Proceedings, Misdemeanor Criminal Proceedings, limited jurisdiction Civil trials, limited jurisdiction Civil Appeals from Superior Court, Misdemeanor Appeals, and Small Claims trial de novos.

**~~\*Definitions pursuant to CRC 2.956(e):~~**

~~“Civil case” includes all matters other than criminal  
and juvenile matters.~~

(Amended effective January 1, 201~~30~~)

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#### ~~APPENDIX IV~~

#### ~~APPROVED WEB SITES FOR E-FILING~~

~~1. [www.e-filing.com](http://www.e-filing.com)~~

(Effective January 1, 201~~30~~)